Bath Iron Works Corporation **Sagadahoc County** **Bath, Maine** **A-333-70-I-R**	**Departmental** **Findings of Fact and Order** **Part 70 Air Emission License** **Renewal**

After review of the Renewal Part 70 License application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A, Section 344 and Section 590, the Department finds the following facts:

I. Registration

A. Introduction

FACILITY	Bath Iron Works Corporation (BIW)
LICENSE NUMBER	A-333-70-I-R
LICENSE TYPE	Part 70 License Renewal
SIC CODES	3731
NATURE OF BUSINESS	Shipbuilding and Repair
FACILITY LOCATION	Bath, Maine
DATE OF LICENSE ISSUANCE	
LICENSE EXPIRATION DATE	

B. Emission Equipment

The following emission units are addressed by this Part 70 License:

EMISSION UNIT ID	UNIT CAPACITY	UNIT TYPE
#1, Boiler #1	29.3 MMBtu/hr	fuel burning equipment
#2, Boiler #2	29.3 MMBtu/hr	fuel burning equipment
#3, Boiler #3	29.3 MMBtu/hr	fuel burning equipment
#4, Boiler #9	25.1 MMBtu/hr	fuel burning equipment
#5, Boiler #10	25.1 MMBtu/hr	fuel burning equipment
#6, Boiler #11	29.3 MMBtu/hr	fuel burning equipment
#7, Boiler #12	25.1 MMBtu/hr	fuel burning equipment
#8, North Stores Emergency Generator	5.5 MMBtu/hr (500 kW)	emergency generator
#9, Main Boiler Room Emergency Generator	3.85 MMBtu/hr (350 kW)	emergency generator
#10, Dry Dock Diesel #1	24.4 MMBtu/hr (2,500 kW)	stand-by generator
#11, Dry Dock Diesel #2	24.4 MMBtu/hr (2,500 kW)	stand-by generator
#12, Painting Operations	n/a	process equipment
#13, Blasting Operations	n/a	process equipment
#14, Parts Cleaning	n/a	process equipment
#15, Gasoline Storage Tank	n/a	storage tank
#16, #5 Fuel Oil Storage Tank	n/a	storage tank
#17, #5 Fuel Oil Storage Tank	n/a	storage tank
#18, Cutting Operations	n/a	Baghouses (4)

BIW has additional insignificant activities which do not need to be listed in the emission equipment table above. A list of insignificant activities can be found in 06-096 CMR 140, Appendix B with a representative example of such activities conducted at BIW being found in the 06-096 CMR 140 License Application on file with the Department.

C. Application Classification

The application for BIW does not include the licensing of increased emissions or the installation of new or modified equipment, therefore the license is considered to be a Part 70 License renewal issued under 06-096 CMR 140 for a Part 70 source.

II. EMISSION UNIT DESCRIPTION

VOC RACT

06-096 CMR 134 of the Maine Air Regulations requires facilities that have the potential to emit forty (40) tons or more of VOC per calendar year to apply VOC RACT (Reasonably Available Control Technology) to their applicable VOC emissions. 06-096 CMR 134 VOC RACT requirements are incorporated into this Part 70 license renewal.

Streamlining

BIW has accepted streamlining for certain requirements, as stated below under the applicable sections. Streamlining is the process of listing the applicable regulations and accepting only the most stringent.

Boiler MACT

BIW is a major source of hazardous air pollutants (HAP) as defined in 40 CFR Part 63.2 and owns and operates seven units with a heat input larger than 10.0 MMBtu/hr. As such, BIW is subject to 40 CFR Part 63, Subpart DDDDD – National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters (i.e. Boiler MACT). However, these seven units are large, liquid fueled units and are therefore subject only to the requirements of the General Provisions. The requirements of the General Provisions were met in a letter to the Maine Department of Environmental Protection dated April 28, 2004. If Subpart DDDDD is amended in the future, BIW will meet the revised requirements in the appropriate timeframe.

A. Boilers #1 - #3

Boilers #1-#3 were manufactured by Cleaver Brooks each with a maximum design heat input of 29.3 MMBtu/hr firing #5 fuel oil. Boilers #1 and #2 were installed in 1995 and Boiler #3 was installed in 1996, therefore each boiler triggers New Source Performance Standards (NSPS) Subpart Dc applicability. Emissions from Boilers #1 and #2 exit through a 102 ft stack designated as

stack #1 while emissions from Boiler #3 exit through a 115 ft stack designated as stack #1b.

Streamlining

Opacity

BIW accepts streamlining for opacity requirements. 06-096 CMR 101, Section 2(A)(1) of the Department's regulations and Best Practical Treatment (BPT) requirements are applicable. The BPT opacity limit is more stringent. Therefore, only the more stringent BPT opacity limit is included in this license. Reference A-333-72-E-A (07/06/1995) for Boiler #1 and Boiler #2. Reference A-333-71-G-A (9/12/1996) for Boiler #3.

Sulfur Dioxide

BIW accepts streamlining for sulfur dioxide requirements. 06-096 CMR 106 of the Department's regulations is applicable, however, Boilers #1 - #3 are subject to the standards for sulfur dioxide in 40 CFR Part 60, Subpart Dc 60.42c requiring that the fuel oil combusted contain no greater than 0.5% S by weight. Reference A-333-72-E-A (07/06/1995) for Boiler #1 and Boiler #2. Reference A-333-71-G-A (9/12/1996) for Boiler #3.

Periodic Monitoring

Periodic monitoring shall consist of recordkeeping which includes records of fuel use indicating the quantity delivered (gallons) and percent sulfur by weight through fuel oil analysis' provided by the supplier for each tank from which fuel is supplied to BIW conducted for each new delivery from the supplier.

B. Boiler #9

Boiler #9 was manufactured by Cleaver Brooks with maximum design heat input of 25.1 MMBtu/hr firing #5 fuel oil. Boiler #9 was installed in 1987, prior to the NSPS Subpart Dc applicability. This boiler is used for steam and heating purposes. Emissions from Boiler #9 exit through a 148 ft stack designated as stack #3.

Streamlining

Opacity

BIW accepts streamlining for opacity requirements. 06-096 CMR 101, Section 2(A)(1) of the Department's regulations and BPT requirements are applicable. The BPT opacity limit is more stringent. Therefore, only the more stringent BPT opacity limit is included in this license. Reference A-333-72-B-A/R (9/25/1992).

Sulfur Dioxide

BIW accepts streamlining for sulfur dioxide requirements. 06-096 CMR 106 of the Department's regulations and Best Available Control Technology

(BACT) requirements are applicable. The BACT limit is more stringent. Therefore, only the more stringent BACT limit is included in this license. Reference A-333-72-B-A/R (9/25/1992).

Particulate Matter
BIW accepts streamlining for particulate matter requirements for Boiler #9. 06-096 CMR 103 Section 2(A)(1) and 2(B)(1)(a) of the Department's regulations and BPT requirements are applicable. The BPT limit is more stringent. Therefore, only the more stringent BPT limit is included in this license. Reference A-333-71-K-A (7/13/2000).

Periodic Monitoring
Periodic monitoring shall consist of recordkeeping which includes records of fuel use indicating the quantity delivered (gallons) and percent sulfur by weight through fuel oil analysis' provided by the supplier for each tank from which fuel is supplied to BIW conducted for each new delivery from the supplier.

C. Boiler #10

Boiler #10 was manufactured by Cleaver Brooks, and installed in 1989, with a maximum design heat input of 25.1 MMBtu/hr firing #5 fuel oil, therefore triggering the NSPS Subpart Dc applicability. The boiler is used for steam and heating purposes. Emissions from boiler #10 exit through a 148 ft stack designated as stack #3 in conjunction with emissions from boiler #9.

Streamlining
Opacity
BIW accepts streamlining for opacity requirements. 06-096 CMR 101, Section 2(A)(1) of the Department's regulations and BPT requirements are applicable. The BPT opacity limit is more stringent. Therefore, only the more stringent BPT opacity limit is included in this license. Reference A-333-71-K-A (7/13/2000).

Sulfur Dioxide
BIW accepts streamlining for sulfur dioxide requirements. 06-096 CMR 106 of the Department's regulations is applicable, however, Boiler #10 is subject to the standards for sulfur dioxide in 40 CFR Part 60, Subpart Dc 60.42c requiring that the fuel oil combusted contain no greater than 0.5% S by weight. Reference A-333-72-B-A/R (9/25/1992).

Particulate Matter
BIW accepts streamlining for particulate matter requirements. 06-096 CMR 103 Section 2(B)(1)(a) of the Department's regulations and BPT requirements are applicable. The BPT limit is more stringent. Therefore, only the more stringent BPT limit is included in this license. Reference A-333-71-K-A (7/13/2000).

Periodic Monitoring
Periodic monitoring shall consist of recordkeeping which includes records of fuel use indicating the quantity delivered (gallons) and percent sulfur by weight through fuel oil analysis' provided by the supplier for each tank from which fuel is supplied to BIW conducted for each new delivery from the supplier.

D. Boilers #11 and #12

Boilers #11 and #12 were manufactured by Cleaver Brooks with a maximum design heat input of 29.3 and 25.1 MMBtu/hr, respectively, each firing #5 fuel oil. Boiler #11 was installed in 2001 and Boiler #12 was installed in 2002, therefore triggering the NSPS Subpart Dc applicability. The boilers are used for steam and heating purposes.

Streamlining
Opacity
BIW accepts streamlining for opacity requirements. 06-096 CMR 101, Section 2(A)(1) of the Department's regulations and BPT requirements are applicable. The BPT opacity limit is more stringent. Therefore, only the more stringent BPT opacity limit is included in this license. Reference A-333-71-K-A (7/13/2000) for Boiler #11. Reference A-333-70-C-M (3/7/2002) for Boiler #12.

Sulfur Dioxide
BIW accepts streamlining for sulfur dioxide requirements. 06-096 CMR 106 of the Department's regulations is applicable, however, Boilers #11 and #12 are subject to the standards for sulfur dioxide in 40 CFR Part 60, Subpart Dc 60.42c requiring that the fuel oil combusted contain no greater than 0.5% S by weight. Reference A-333-71-K-A (7/13/2000) for Boiler #11. Reference A-333-70-C-M (3/7/2002) for Boiler #12.

Periodic Monitoring
Periodic monitoring shall consist of recordkeeping which includes records of fuel use indicating the quantity delivered (gallons) and percent sulfur by weight through fuel oil analysis' provided by the supplier for each tank from which fuel is supplied to BIW conducted for each new delivery from the supplier.

E. Emergency Generators

The North Stores Emergency Generator is a Caterpillar engine with a heat input capacity of 5.5 MMBtu/hr and was installed in 1994. The Main Boiler Room Emergency Generator is a Caterpillar engine with a heat input capacity of 3.85 MMBtu/hr and was installed in 1995.

These emergency generators are restricted to the firing of low sulfur diesel fuel with a maximum sulfur content not to exceed 0.05% by weight in addition to an operational restriction of 500 hours per year for each unit.

Streamlining

Opacity

BIW accepts streamlining for opacity requirements. 06-096 CMR 101, Section 2(A)(1) of the Department's regulations and BPT requirements are applicable. The BPT opacity limit is more stringent. Therefore, only the more stringent BPT opacity limit is included in this license. Reference A-333-70-A-I (5/25/2001).

Sulfur Dioxide

BIW accepts streamlining for sulfur dioxide requirements. 06-096 CMR 106 of the Department's regulations and BACT requirements are applicable. The BACT limit is more stringent. Therefore, only the more stringent BACT limit is included in this license. Reference A-333-72-D-M (5/29/1995) for the North Stores Generator. Reference A-333-70-A-I (5/25/2001) for the Main Boiler Room Generator.

Periodic Monitoring

Periodic monitoring shall consist of recordkeeping which includes records of fuel use through purchase receipts indicating amounts (gallons) and percent sulfur and/or ppm sulfur by weight and records documenting hours of operation.

F. Dry Dock Diesel Units

Dry Dock Diesel #1 and Dry Dock Diesel #2 are Cummings Wartsila engines each having a heat input capacity of 24.4 MMBtu/hr and were installed in 2000.

These diesels are restricted to the firing of low sulfur diesel fuel with a maximum sulfur content not to exceed 0.05% by weight in addition to an operational restriction of 250 hours per year for each unit. The primary purpose of these units is to supply power to the drydock during ship translations. As mobile units, these units are not licensed while underway. The annual operational limits apply only when these units are utilized to supply emergency power when the dock is stationary.

Streamlining

Opacity

BIW accepts streamlining for opacity requirements. 06-096 CMR 101, Section 2(A)(1) of the Department's regulations and BPT requirements are applicable. The BPT opacity limit is more stringent. Therefore, only the more stringent BPT opacity limit is included in this license. Reference A-333-70-F-A (7/11/2002).

Sulfur Dioxide

BIW accepts streamlining for sulfur dioxide requirements. 06-096 CMR 106 of the Department's regulations and BPT requirements are applicable. The

BPT limit is more stringent. Therefore, only the more stringent BPT limit is included in this license. Reference A-333-70-F-A (7/11/2002).

Periodic Monitoring
Periodic monitoring shall consist of recordkeeping which includes records of fuel use through purchase receipts indicating amounts (gallons) and percent sulfur and/or ppm by weight and records documenting hours of operation.

G. Painting Operations

BIW operates three main paint and blast buildings at the Bath facility along with painting operations being conducted at numerous other locations throughout the facility. Paint is distributed from one central warehouse out to several satellite areas. At these locations the paints are mixed as required and thinning solvent may be issued separately in amounts as allowed by NESHAP limitations.

Measures are taken to reduce the risk of spillage and evaporation, such as pouring only as needed, providing adequate space for storage and "bonnets" to be used to cover the paint kits when not in use.

On December 15, 1995 EPA promulgated 40 CFR Part 63, Subpart II: National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) Operations. The NESHAP requires existing and new major sources to control emissions using maximum achievable control technology (MACT) to control hazardous air pollutants (HAPs). Under this regulation affected sources are limited to a maximum Volatile Organic HAP (VOHAP) content for all coatings based on the category for each. Under the regulation, VOC shall be used for a surrogate for VOHAP.

Streamlining
VOC
BIW accepts streamlining for volatile organic compounds (VOC) requirements. 06-096 CMR 134 of the Maine Air Regulations requires that facilities with the potential to emit greater than 40 tons or more per year of VOCs incorporate RACT (Reasonably Available Control Technology). However, in December of 1995 the NESHAP for Shipbuilding and Repair Facilities was promulgated controlling VOC emissions to a level greater than that of VOC RACT. Therefore, only the more stringent NESHAP VOC limits are included in this license. Reference A-333-71-M-M (4/11/2001).

Opacity
BIW accepts streamlining for opacity requirements. 06-096 CMR 101, Section 2(C) of the Department's regulations and BPT requirements are applicable. The BPT opacity limit is more stringent. Therefore, only the more stringent BPT opacity limit is included in this license. Reference A-333-71-M-M (4/11/2001).

Periodic Monitoring
Periodic monitoring shall consist of recordkeeping which includes records of total volume of each coating applied by category, as-supplied VOC content, applicable VOHAP limit and dates and times for cold-weather compliance.

H. Parts Cleaning

BIW operates several parts cleaning operations throughout the facility as required for process operations. Chemical compounds such as petroleum naptha and Brulin 815 QR are utilized in these processes to obtain the quality necessary for subsequent operations. BIW does not utilize halogenated HAP solvents (as defined in 40 CFR Part 63 Subpart T) above 5% by weight for parts cleaning.

Periodic Monitoring
Periodic monitoring for the parts cleaning units shall consist of recordkeeping including records of solvent added and removed for each unit in operation.

I. Blasting Operations

BIW conducts blasting activities at various locations throughout the facility as part of the ship building and renovation operations. The majority of blasting operations are conducted in enclosed buildings with filter systems to control particulate matter emissions when the ship parts are of such a size that blasting is possible in enclosed areas. These operations are conducted in Blast I, II or Paint and Blast III buildings. However, there are also times when blasting must be conducted outside of the blast and paint buildings on the ship surfaces, units and other sub-assemblies. During this time of blasting outdoors BIW erects a tarp-type enclosure system to help suppress the emissions of particulate matter. When operations are conducted in the drydock, Enviro-Screens are in place at each end of the dock to help contain particulate matter generated from blasting operations.

Opacity
BIW accepts streamlining for opacity requirements. 06-096 CMR 101, Section 2(C) of the Department's regulations and BPT requirements are applicable. The BPT opacity limit is more stringent. Therefore, only the more stringent BPT opacity limit is included in this license. Reference A-333-72-C-M (02/24/1995).

J. Gasoline Dispensing Operations
BIW operates a gasoline dispensing facility on the premises. This facility is used for the fueling of mobile equipment only.

Periodic Monitoring
Periodic monitoring for the gasoline dispensing operation shall consist of recordkeeping including records of gasoline throughput.

K. Facility Emissions

The following total licensed annual emissions for the facility are based on the following raw materials used. All usages are based on a 12 month rolling total.

- Boiler #1, #2, #3, #9, #10, #11 and #12 combined fuel use of 2,650,000 gallons per year fuel oil (0.5% sulfur by weight maximum).
- North Stores Generator operational limit of 500 hours per year (0.05% sulfur by weight maximum).
- Main Boiler Generator operational limit of 500 hours per year (0.05% sulfur by weight maximum).
- Dry Dock Diesel #1 and #2 combined operational limit of 500 hours per year (0.05% sulfur by weight maximum).
- Painting Operations VOC emission of 99.9 tons per year,

Total Annual Emissions for the Facility
(used to calculate the license fee)

Pollutant	PM	PM_{10}	SO_2	NO_X	CO	VOC
Boilers	23.9	23.9	104.4	99.4	6.6	0.4
North Stores Generator	0.2	0.2	0.1	4.3	1.2	0.1
Main Boiler Generator	0.1	0.1	0.1	4.3	0.9	0.3
(2) Dry Dock Diesels	0.7	0.7	0.3	19.5	5.2	0.6
Painting Operations	--	--	--	--	--	99.9
Total	**24.9**	**24.9**	**104.9**	**127.5**	**13.9**	**101.3**

III. AIR QUALITY ANALYSIS

BIW previously submitted an ambient air quality analysis demonstrating that emissions from the facility, in conjunction with all other sources, do not violate ambient air quality standards. An additional ambient air quality analysis is not required for this Part 70 License renewal.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that emissions from this source:

- will receive Best Practical Treatment;
- will not violate applicable emissions standards
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants the Part 70 License A-333-70-I-R pursuant to 06-096 CMR 140 and the preconstruction permitting requirements of 06-096 CMR 115 and subject to the standard and special conditions below.

All federally enforceable and State-only enforceable conditions in existing air licenses previously issued to Bath Iron Works pursuant to the Department's preconstruction permitting requirements in 06-096 CMR 108 or 06-096 CMR 115 have been incorporated into this Part 70 license, except for such conditions that MEDEP has determined are obsolete, extraneous or otherwise environmentally insignificant, as explained in the findings of fact accompanying this permit. As such the conditions in this license supercede all previously issued air license conditions.

Federally enforceable conditions in this Part 70 license must be changed pursuant to the applicable requirements in 06-096 CMR 115 for making such changes and pursuant to the applicable requirements in 06-096 CMR 140.

For each standard and special condition which is state enforceable only, state-only enforceability is designated with the following statement: **Enforceable by State-only**.

Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

STANDARD STATEMENTS

(1) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both; [06-096 CMR 140]

(2) The Part 70 license does not convey any property rights of any sort, or any exclusive privilege; [06-096 CMR 140]

(3) All terms and conditions are enforceable by EPA and citizens under the CAA unless specifically designated as state enforceable. [06-096 CMR 140]

(4) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license; [06-096 CMR 140]

(5) Notwithstanding any other provision in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement. [06-096 CMR 140]

(6) Compliance with the conditions of this Part 70 license shall be deemed compliance with any Applicable requirement as of the date of license issuance and is deemed a permit shield, provided that:

A. Such Applicable and state requirements are included and are specifically identified in the Part 70 license, except where the Part 70 license term or condition is specifically identified as not having a permit shield; or

B. The Department, in acting on the Part 70 license application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the Part 70 license includes the determination or a concise summary, thereof.

Nothing in this section or any Part 70 license shall alter or effect the provisions of Section 303 of the CAA (emergency orders), including the authority of EPA under Section 303; the liability of an owner or operator of a source for any violation of Applicable requirements prior to or at the time of permit issuance; or the ability of EPA to obtain information from a source pursuant to Section 114 of the CAA.

The following requirements have been identified as not applicable:

	SOURCE	CITATION	DESCRIPTION	BASIS FOR DETERMINATION
a.	Facility	06-096 CMR 138	NO_X RACT	Non-exempt stationary sources at the facility are limited to 99.9 tons NO_X/year.
b.	Boiler #9	40 CFR Part 60 Subpart Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units	Commenced construction prior to June 9, 1989
c.	Facility	40 CFR Part 63, Subpart T	National Emission Standards for Halogenated Solvent Cleaning	No units utilize any halogenated solvents over the threshold quantities
d.	Facility	40 CFR Part 64	Compliance Assurance Monitoring	No unit on site utilizes a control device to achieve compliance with an emission limitation.

[06-096 CMR 140]

(7) The Part 70 license shall be reopened for cause by the Department or EPA, prior to the expiration of the Part 70 license, if:

A. Additional Applicable requirements under the CAA become applicable to a Part 70 major source with a remaining Part 70 license term of 3 or more years. However, no opening is required if the effective date of the requirement is later than the date on which the Part 70 license is due to expire, unless the

original Part 70 license or any of its terms and conditions has been extended pursuant to Chapter 140;

B. Additional requirements (including excess emissions requirements) become applicable to a Title IV source under the acid rain program. Upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the Part 70 license;

C. The Department or EPA determines that the Part 70 license contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the Part 70 license; or

D. The Department or EPA determines that the Part 70 license must be revised or revoked to assure compliance with the Applicable requirements.

The licensee shall furnish to the Department within a reasonable time any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the Part 70 license or to determine compliance with the Part 70 license.

[06-096 CMR 140]

(8) No license revision or amendment shall be required, under any approved economic incentives, marketable licenses, emissions trading and other similar programs or processes for changes that are provided for in the Part 70 license. [06-096 CMR 140]

STANDARD CONDITIONS

(1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions and this license (Title 38 MRSA §347-C);

(2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 140; [06-096 CMR 140]

(3) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request; [06-096 CMR 140]

Enforceable by State-only

(4) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 MRSA §353.

(5) The licensee shall maintain and operate all emission units and air pollution control systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions; [06-096 CMR 140]
Enforceable by State-only

(6) The licensee shall retain records of all required monitoring data and support information for a period of at least six (6) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Part 70 license. The records shall be submitted to the Department upon written request or in accordance with other provisions of this license; [06-096 CMR 140]

(7) The licensee shall comply with all terms and conditions of the air emission license. The submission of notice of intent to reopen for cause by the Department, the filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for the renewal of a Part 70 license or amendment shall not stay any condition of the Part 70 license. [06-096 CMR 140]

(8) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall: [06-096 CMR 140] **Enforceable by State-only**

A. perform stack testing under circumstances representative of the facility's normal process and operating conditions:

   1. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions;

   2. to demonstrate compliance with the applicable emission standards; or

   3. pursuant to any other requirement of this license to perform stack testing.

B. install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and

C. submit a written report to the Department within thirty (30) days from date of test completion.

(9) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicates emissions in excess of the applicable standards, then:

A. within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and

B. the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and

C. the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.

[06-096 CMR 140]

Enforceable by State-only

(10) The licensee shall maintain records of all deviations from license requirements. Such deviations shall include, but are not limited to malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emission unit itself that is not consistent with the terms and conditions of the air emission license.

A. The licensee shall notify the Commissioner within 48 hours of a violation of any emission standard and/or a malfunction or breakdown in any component part that causes a violation of any emission standard, and shall report the probable cause, corrective action, and any excess emissions in the units of the applicable emission limitation;

B. The licensee shall submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component part causes a violation of any emission standard, together with any exemption requests.

Pursuant to 38 MRSA § 349(9), the Commissioner may exempt from civil penalty an air emission in excess of license limitations if the emission occurs during start-up or shutdown or results exclusively from an unavoidable malfunction entirely beyond the control of the licensee and the licensee has taken all reasonable steps to minimize or prevent any emission and takes corrective action as soon as possible. There may be no exemption if the malfunction is caused, entirely or in part, by poor maintenance, careless operation, poor design or any other reasonably preventable condition or preventable equipment breakdown. The burden of proof is on the licensee seeking the exemption under this subsection.

C. All other deviations shall be reported to the Department in the facility's semiannual report.

[06-096 CMR 140]

(11) Upon the written request of the Department, the licensee shall establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 CMR 140]

(12) The licensee shall submit semiannual reports of any required periodic monitoring. All instances of deviations from Part 70 license requirements must be clearly identified in such reports. All required reports must be certified by a responsible official. [06-096 CMR 140]

(13) The licensee shall submit a compliance certification to the Department and EPA at least annually, or more frequently if specified in the applicable requirement or by the Department. The compliance certification shall include the following:

A. The identification of each term or condition of the Part 70 license that is the basis of the certification;

B. The compliance status;

C. Whether compliance was continuous or intermittent;

D. The method(s) used for determining the compliance status of the source, currently and over the reporting period; and

E. Such other facts as the Department may require to determine the compliance status of the source;

[06-096 CMR 140]

SPECIAL CONDITIONS

(14) **Boilers #1 and #2**

A. The sulfur content of the fuel oil fired in Boilers #1 and #2 shall not exceed 0.5% by weight, pursuant to 60.42c demonstrated by records of deliveries from the supplier. [A-333-72-E-A (07/06/1995), 40 CFR Part 60, Subpart Dc]

B. Emissions from Boilers #1 and #2 shall each not exceed the following limits:

Pollutant	lb/MMBtu	Origin and Authority	Enforceability
PM	0.12	A-333-72-E-A (07/06/1995) BACT	-
PM_{10}	0.12	A-333-72-E-A (07/06/1995) BACT	-
NO_X	0.50	A-333-72-E-A (07/06/1995) BACT	-

Pollutant	lb/hr	Origin and Authority	Enforceability
PM	3.5	A-333-72-E-A (07/06/1995) BACT	-
PM_{10}	3.5	A-333-72-E-A (07/06/1995) BACT	-
SO_2	15.3	A-333-72-E-A (07/06/1995) BACT	-
NO_X	14.7	A-333-72-E-A (07/06/1995) BACT	-
CO	0.98	A-333-72-E-A (07/06/1995) BACT	-
VOC	0.05	A-333-72-E-A (07/06/1995) BACT	-

C. BIW shall operate Boilers #1 and #2 such that the visible emissions from Stack #1 do not exceed 20% opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in any 3-hour period. [A-333-72-E-A (07/06/1995), BPT]

D. Stack #1 (serving Boilers #1 and #2) shall remain a minimum of 102 feet above ground level. Compliance shall be based on "as-built" construction drawings.
[A-333-70-H-A (3/4/2005), BPT] **Enforceable by State-Only**

E. Annual boiler tune-ups for Boiler #1 and #2
BIW shall perform annual boiler tune-ups on each boiler which meet the following requirements: [A-333-72-E-A (07/06/1995) BACT]
1. a tune-up procedure file must be kept on site and made available to the Department upon request,
2. an oxygen/carbon monoxide curve or an oxygen/smoke curve must be kept on file,
3. once the optimum excess oxygen setting has been determined, it must be verified periodically at that value, and
4. if the minimum oxygen level is found to be substantially higher than the value provided by the combustion unit manufacturer the fuel and air mixing must be improved thereby allowing operation with less air.

F. Boilers #1 and #2 are subject to EPA New Source Performance Standards (NSPS) Subpart Dc and BIW shall comply with the recordkeeping and reporting requirements of 60.48c and 60.7. [06-096 CMR 140, BPT]

(15) **Boiler #3**

A. The sulfur content of the fuel oil fired in boiler #3 shall not exceed 0.5% by weight, pursuant to 60.42c demonstrated by records of deliveries from the supplier. [A-333-71-G-A (9/12/1996), 40 CFR Part 60, Subpart Dc]

B. Emissions from Boiler #3 shall not exceed the following limits:

Pollutant	lb/MMBtu	Origin and Authority	Enforceability
PM	0.12	A-333-71-G-A (9/12/1996), BACT	-
PM_{10}	0.12	A-333-71-G-A (9/12/1996), BACT	-
NO_X	0.50	A-333-71-G-A (9/12/1996), BACT	-

Pollutant	lb/hr	Origin and Authority	Enforceability
PM	3.5	A-333-71-G-A (9/12/1996), BACT	-
PM_{10}	3.5	A-333-71-G-A (9/12/1996), BACT	-
SO_2	15.3	A-333-71-G-A (9/12/1996), BACT	-
NO_X	14.7	A-333-71-G-A (9/12/1996), BACT	-
CO	0.98	A-333-71-G-A (9/12/1996), BACT	-
VOC	0.05	A-333-71-G-A (9/12/1996), BACT	-

C. BIW shall operate Boiler #3 such that the visible emissions from Stack #1b do not exceed 20% opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in any 3-hour period. [A-333-71-G-A (9/12/1996), 06-096 CMR 101]

D. Annual boiler tune-ups
BIW shall perform annual boiler tune-ups on Boiler #3 which meet the following requirements: [A-333-71-G-A (9/12/1996) BACT]
1. a tune-up procedure file must be kept on site and made available to the Department upon request,
2. an oxygen/carbon monoxide curve or an oxygen/smoke curve must be kept on file,
3. once the optimum excess oxygen setting has been determined, it must be verified periodically at that value, and
4. if the minimum oxygen level is found to be substantially higher than the value provided by the combustion unit manufacturer the fuel and air mixing must be improved thereby allowing operation with less air.

E. Boiler #3 is subject to EPA New Source Performance Standards (NSPS) Subpart Dc and BIW shall comply with the recordkeeping and reporting requirements of 60.48c and 60.7. [06-096 CMR 140, BPT]

(16) **Boiler #9**

A. The sulfur content of the fuel oil fired in Boiler #9 shall not exceed 0.5% by weight demonstrated by records of deliveries from the supplier. [A-333-72-B-A/R (9/25/1992) BACT]

B. Emissions from Boiler #9 shall not exceed the following limits:

Pollutant	lb/MMBtu	Origin and Authority	Enforceability
PM	0.10	A-333-71-K-A (7/13/2000) BPT	-
PM_{10}	0.10	A-333-70-A-I (5/25/2001) BPT	-
NO_X	0.50	A-333-71-K-A (7/13/2000) BPT	-

Pollutant	lb/hr	Origin and Authority	Enforceability
PM	2.5	A-333-71-K-A (7/13/2000) BPT	-
PM_{10}	2.5	A-333-71-K-A (7/13/2000) BPT	-
SO_2	13.1	A-333-72-B-A/R (9/25/1992) BACT	-
NO_X	12.6	A-333-70-C-M (3/7/2002) BPT	-
CO	0.75	A-333-71-K-A (7/13/2000) BPT	-
VOC	0.25	A-333-71-K-A (7/13/2000) BPT	-

C. BIW shall operate Boiler #9 such that the visible emissions from stack #3 do not exceed 20% opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in any 3-hour period. [A-333-72-B-A/R (9/25/1992), 06-096 CMR 101]

D. Annual boiler tune-ups
BIW shall perform annual boiler tune-ups on Boiler #9 which meet the following requirements: [A-333-70-A-I (5/25/2001), BPT] **Enforceable by State-only**

1. a tune-up procedure file must be kept on site and made available to the Department upon request,
2. an oxygen/carbon monoxide curve or an oxygen/smoke curve must be kept on file,
3. once the optimum excess oxygen setting has been determined, it must be verified periodically at that value, and
4. if the minimum oxygen level is found to be substantially higher than the value provided by the combustion unit manufacturer the fuel and air mixing must be improved thereby allowing operation with less air.

(17) **Boiler #10**

A. The sulfur content of the fuel oil fired in boiler #10 shall not exceed 0.5% by weight, pursuant to 60.42c demonstrated by records of deliveries from the supplier. [A-333-72-B-A/R (9/25/1992), 40 CFR Part 60, Subpart Dc]

B. Emissions from Boiler #10 shall not exceed the following limits:

Pollutant	lb/MMBtu	Origin and Authority	Enforceability
PM	0.10	A-333-71-K-A (7/13/2000) BPT	-
PM_{10}	0.10	A-333-70-A-I (5/252001) BPT	-
NO_X	0.50	A-333-71-K-A (7/13/2000) BPT	-

Pollutant	lb/hr	Origin and Authority	Enforceability
PM	2.5	A-333-71-K-A (7/13/2000) BPT	-
PM_{10}	2.5	A-333-71-K-A (7/13/2000) BPT	-
SO_2	13.1	A-333-72-B-A/R (9/25/1992) BACT	-
NO_X	12.6	A-333-70-C-M (3/7/2002) BPT	-
CO	0.75	A-333-71-K-A (7/13/2000) BPT	-
VOC	0.25	A-333-71-K-A (7/13/2000) BPT	-

C. BIW shall operate Boiler #10 such that the visible emissions from stack #3 do not exceed 20% opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in any 3-hour period. [A-333-71-K-A (7/13/2000), 06-096 CMR 101]

D. Annual boiler tune-ups
BIW shall perform annual boiler tune-ups on Boiler #10 which meet the following requirements: [A-333-70-A-I (5/25/2001), BPT] **Enforceable by State-only**

1. a tune-up procedure file must be kept on site and made available to the Department upon request,
2. an oxygen/carbon monoxide curve or an oxygen/smoke curve must be kept on file,
3. once the optimum excess oxygen setting has been determined, it must be verified periodically at that value, and
4. if the minimum oxygen level is found to be substantially higher than the value provided by the combustion unit manufacturer the fuel and air mixing must be improved thereby allowing operation with less air.

E. Boiler #10 is subject to EPA New Source Performance Standards (NSPS) Subpart Dc and BIW shall comply with the recordkeeping and reporting requirements of 60.48c and 60.7. [06-096 CMR 140, BPT]

(18) **Boiler #11**

A. The sulfur content of the fuel oil fired in Boiler #11 shall not exceed 0.5% by weight, pursuant to 60.42c demonstrated by records of deliveries from the supplier. [A-333-71-K-A (7/13/2000), 40 CFR Part 60, Subpart Dc]

B. Emissions from Boiler #11 shall not exceed the following limits:

Pollutant	lb/MMBtu	Origin and Authority	Enforceability
PM	0.12	A-333-71-K-A (7/13/2000) BACT	-
PM_{10}	0.12	A-333-70-A-I (5/25/2001) BPT	-
NO_X	0.50	A-333-71-K-A (7/13/2000) BACT	-

Pollutant	lb/hr	Origin and Authority	Enforceability
PM	3.5	A-333-71-K-A (7/13/2000) BACT	-
PM_{10}	3.5	A-333-71-K-A (7/13/2000) BACT	-
SO_2	15.3	A-333-71-K-A (7/13/2000) BACT	-
NO_X	14.7	A-333-71-K-A (7/13/2000) BACT	-
CO	0.98	A-333-71-K-A (7/13/2000) BACT	-
VOC	0.05	A-333-71-K-A (7/13/2000) BACT	-

C. BIW shall maintain and operate in accordance with the manufacturer's specification a Hawk control system, or similar system, and oxygen trim on Boiler #11 to help ensure maximum performance and minimal emissions. [A-333-71-K-A (7/13/2000) BACT]

D. BIW shall operate Boiler #11 such that the visible emissions from stack #3a do not exceed 20% opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in any 3-hour period. [A-333-71-K-A (7/13/2000), 06-096 CMR 101]

E. Boiler #11 is subject to EPA New Source Performance Standards (NSPS) Subpart Dc and BIW shall comply with the recordkeeping and reporting requirements of 60.48c and 60.7. [A-333-71-K-A (7/13/2000) BACT]

F. Annual boiler tune-ups
BIW shall perform annual boiler tune-ups on Boiler #11 which meet the following requirements: [A-333-70-A-I (5/25/2001), BPT] **Enforceable by State-only**

1. a tune-up procedure file must be kept on site and made available to the Department upon request,
2. an oxygen/carbon monoxide curve or an oxygen/smoke curve must be kept on file,
3. once the optimum excess oxygen setting has been determined, it must be verified periodically at that value, and
4. if the minimum oxygen level is found to be substantially higher than the value provided by the combustion unit manufacturer the fuel and air mixing must be improved thereby allowing operation with less air.

(19) **Boiler #12**

A. The sulfur content of the fuel oil fired in Boiler #12 shall not exceed 0.5% by weight, pursuant to 60.42c demonstrated by records of deliveries from the supplier. [A-333-70-C-M (3/7/2002), 40 CFR Part 60, Subpart Dc]

B. Emissions from Boiler #12 shall not exceed the following limits:

Pollutant	lb/MMBtu	Origin and Authority	Enforceability
PM	0.12	A-333-71-K-A (7/13/2000) BACT	-
PM_{10}	0.12	A-333-70-A-I (5/25/2001) BPT	-
NO_X	0.50	A-333-71-K-A (7/13/2000) BACT	-

Pollutant	lb/hr	Origin and Authority	Enforceability
PM	3.0	A-333-70-C-M (3/7/2002), BPT	-
PM_{10}	3.0	A-333-70-C-M (3/7/2002), BPT	-
SO_2	13.19	A-333-70-C-M (3/7/2002), BPT	-
NO_X	12.6	A-333-70-C-M (3/7/2002), BPT	-
CO	0.84	A-333-70-C-M (3/7/2002), BPT	-
VOC	0.05	A-333-70-C-M (3/7/2002), BPT	-

C. BIW shall maintain and operate in accordance with the manufacturer's specification a Hawk control system, or similar system, and oxygen trim on Boiler #12 to help ensure maximum performance and minimal emissions. [A-333-71-K-A (7/13/2000) BACT]

D. BIW shall operate Boiler #12 such that the visible emissions from stack #3a do not exceed 20% opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in any 3-hour period. [A-333-70-C-M (3/7/2002), 06-096 CMR 101]

E. Annual boiler tune-ups
BIW shall perform annual boiler tune-ups on Boiler #12 which meet the following requirements: [A-333-70-A-I (5/25/2001), BPT] **Enforceable by State-only**

1. a tune-up procedure file must be kept on site and made available to the Department upon request,
2. an oxygen/carbon monoxide curve or an oxygen/smoke curve must be kept on file,
3. once the optimum excess oxygen setting has been determined, it must be verified periodically at that value, and
4. if the minimum oxygen level is found to be substantially higher than the value provided by the combustion unit manufacturer the fuel and air mixing must be improved thereby allowing operation with less air.

F. Boiler #12 is subject to EPA New Source Performance Standards (NSPS) Subpart Dc and BIW shall comply with the recordkeeping and reporting requirements of 60.48c and 60.7 [06-096 CMR 140, BPT]

(20) **Boiler Fuel Use Limits**

A. BIW shall be limited to a combined fuel use in Boilers #1 and #2 of 1,700,000 gallons per year (based on a 12 month rolling total). [A-333-72-E-A (07/06/1995) BACT]

B. BIW shall be limited to a fuel use in Boiler #3 of 1,500,000 gallons per year (based on a 12 month rolling total). [A-333-71-G-A (9/12/1996), BACT]

C. BIW shall be limited to a combined fuel use in Boilers #1, #2, #3, #9, #10, #11 and #12 of 2,650,000 gallons (based on a 12 month rolling total). [MEDEP Chapter 140, BPT]

D. BIW shall maintain records on a monthly basis of total gallons of fuel oil consumed in Boilers #1, #2, #3, #9, #10, #11 and #12. [A-333-71-K-A (7/13/2000) BPT]

(21) Records for Boilers #1, #2, #3, #10, #11 and #12, maintained according to 60.42c, shall be submitted to EPA Region I on a semi-annual basis in accordance with 40 CFR Subpart Dc. [40 CFR Subpart Dc]

(22) BIW shall meet the requirements of 40 CFR Part 63, Subpart DDDDD: National Emission Standards for Hazardous Air Pollutants for Source Categories. [06-096 CMR 140, BPT]

(23) **North Stores Emergency Generator** (500 kW)

A. The diesel fuel sulfur content of the fuel fired in the North Stores Emergency Generator shall not exceed 0.05% by weight or 500 ppm. BIW shall maintain records of deliveries to document compliance with the low sulfur requirement. [A-333-72-D-M (5/29/1995) BACT]

B. The North Stores Emergency Generator shall not operate for more than 500 hours during any rolling 12 month period. [A-333-72-D-M (5/29/1995) BACT]

C. Emissions from the North Stores Emergency Generator shall not exceed the following:

Pollutant	lb/MMBtu	Origin and Authority	Enforceability
PM	0.12	A-333-72-D-M (5/29/1995) BACT	-
PM_{10}	0.12	A-333-72-D-M (5/29/1995) BACT	-

Pollutant	lb/hr	Origin and Authority	Enforceability
PM	0.66	A-333-70-A-I (5/25/2001) BPT	**Enforceable by State-only**
PM_{10}	0.66	A-333-70-A-I (5/25/2001) BPT	**Enforceable by State-only**
SO_2	0.28	A-333-70-A-I (5/25/2001) BPT	**Enforceable by State-only**
NO_X	17.11	A-333-70-A-I (5/25/2001) BPT	**Enforceable by State-only**
CO	4.68	A-333-70-A-I (5/25/2001) BPT	**Enforceable by State-only**
VOC	0.55	A-333-70-A-I (5/25/2001) BPT	**Enforceable by State-only**

D. The North Stores Emergency Generator shall not exceed a visible emission limit of 20% opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in any 3-hour period. [A-333-70-A-I (5/25/2001), 06-096 CMR 101, Section 2(A)(1)]

E. BIW shall operate an hour meter on the North Stores Emergency Generator and maintain a monthly log of these hours to document compliance with the annual hours of operation for the unit. [A-333-70-A-I (5/25/2001), BPT]

(24) **Main Boiler Room Emergency Generator**

A. The diesel fuel fired in Main Boiler Room Emergency Generator shall not exceed a sulfur content of 0.05% by weight or 500 ppm. BIW shall maintain records of deliveries to document compliance with the low sulfur requirement. [A-333-70-A-I (5/25/2001), BACT]

B. Main Boiler Room Emergency Generators shall not exceed an annual operational limit of 500 hours, based on a 12 month rolling total basis. [A-333-70-A-I (5/25/2001), BPT] **Enforceable by State-Only**

C. Emissions from Main Boiler Room Emergency Generator shall not exceed the following:

Pollutant	lb/MMBtu	Origin and Authority	Enforceability
PM	0.12	A-333-70-A-I (5/25/2001), BPT	-
PM_{10}	0.12	A-333-70-A-I (5/25/2001), BPT	**Enforceable by State-only**

Pollutant	lb/hr	Origin and Authority	Enforceability
PM	0.46	A-333-70-A-I (5/25/2001), BPT	**Enforceable by State-only**
PM_{10}	0.46	A-333-70-A-I (5/25/2001), BPT	**Enforceable by State-only**
SO_2	0.23	A-333-70-A-I (5/25/2001), BPT	**Enforceable by State-only**
NO_X	17.0	A-333-70-A-I (5/25/2001), BPT	**Enforceable by State-only**
CO	3.7	A-333-70-A-I (5/25/2001), BPT	**Enforceable by State-only**
VOC	1.3	A-333-70-A-I (5/25/2001), BPT	**Enforceable by State-only**

D. Main Boiler Room Emergency Generator shall not exceed a visible emission limit of 20% opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in any 3-hour period. [A-333-70-A-I (5/25/2001), BPT]

E. BIW shall operate an hour meter on the Main Boiler Room Emergency Generator and maintain a monthly log of these hours to document compliance with the annual hours of operation for the unit. [A-333-70-A-I (5/25/2001), BPT]

(25) **Dry Dock Diesel #1 and Dry Dock Diesel #2**

A. The diesel fuel fired in Dry Dock Diesel #1 and Dry Dock Diesel #2 shall not exceed a sulfur content of 0.05% by weight or 500 ppm. BIW shall maintain records of deliveries to document compliance with the low sulfur requirement. [A-333-70-F-A (7/11/2002), BPT]

B. Dry Dock Diesel #1 and Dry Dock Diesel #2 shall not exceed a combined annual operational limit of 500 hours when used in the emergency back-up power mode, based on a 12 month rolling total basis.

[A-333-70-F-A (7/11/2002), BPT] **Enforceable by State-Only**

C. Emissions from Dry Dock Diesel #1 and Dry Dock Diesel #2 (each) shall not exceed the following:

Pollutant	lb/MMBtu	Origin and Authority	Enforceability
PM	0.12	A-333-70-F-A (7/11/2002), BPT	-

Pollutant	lb/hr	Origin and Authority	Enforceability
PM	2.93	A-333-70-F-A (7/11/2002), BPT	**Enforceable by State-only**
PM_{10}	2.93	A-333-70-F-A (7/11/2002), BPT	**Enforceable by State-only**
SO_2	1.25	A-333-70-F-A (7/11/2002), BPT	**Enforceable by State-only**
NO_X	78.08	A-333-70-F-A (7/11/2002), BPT	**Enforceable by State-only**
CO	20.74	A-333-70-F-A (7/11/2002), BPT	**Enforceable by State-only**
VOC	2.44	A-333-70-F-A (7/11/2002), BPT	**Enforceable by State-only**

D. Dry Dock Diesel #1 and #2 shall each not exceed a visible emission limit of 20% opacity on a six (6) minute block average basis, except for no more than two (2) six (6) minute block averages in any 3-hour period. [A-333-70-F-A (7/11/2002), 06-096 CMR 101]

E. BIW shall maintain a monthly log of the hours of operation to document compliance with the combined annual hours of operation limit. [A-333-70-F-A (7/11/2002), BPT]

(26) **Painting Operations**

A. No coating shall be applied to a ship with an as-applied VOHAP content exceeding the limits specified in 40 CFR Part 63, Subpart II as determined by the procedures described in 63.785c(1) through c(3): [A-333-71-M-M (4/11/2001), 40 CFR Part 63, Subpart II]

B. All coatings used in volumes of less than 52.8 gallons per year shall be clearly labeled as "low usage exempt." The total volume of all "low usage exempt" materials can not exceed 264 gallons per year. [A-333-71-M-M (4/11/2001), 40 CFR Part 63, Subpart II]

C. All handling and transferring of VOHAP-containing materials to and from containers and drums shall be conducted in a manner that minimizes spills. [A-333-71-M-M (4/11/2001), 40 CFR Part 63, Subpart II]

D. All containers and drums shall be free of cracks, holes and other defects and shall remain closed at all times unless materials are being transferred to or removed from them. [A-333-71-M-M (4/11/2001), 40 CFR Part 63, Subpart II]

E. BIW shall comply with the compliance procedures, as applicable, in 40 CFR Part 63 Subpart II, 63.785. [A-333-71-M-M (4/11/2001), 40 CFR Part 63, Subpart II]

F. Visible emissions from the paint booths shall not exceed 10% opacity based on a six (6) minute block average basis and visible emissions from exterior painting shall not exceed 20% opacity based on a six (6) minute block average basis. [06-096 CMR 140, BPT]

G. The following records shall be maintained for the painting operations: [A-333-71-M-M (4/11/2001), 40 CFR Part 63, Subpart II]
   1. The following records shall be maintained at the facility:
      a. all documentation supporting initial notification,
      b. a copy of the facility's approved implementation plan,
   2. The following records shall be maintained at the facility and compiled on a monthly basis:
      a. volume of each low use exempt coating applied,
      b. identification of the coatings used, their appropriate coating categories, and the applicable VOHAP limit;
      c. certification of the as-supplied VOC content of each batch of coating;
      d. a determination of whether containers are kept closed at all times coatings are not being added or removed; and
      e. the results of any Method 24 testing.
      f. For coatings to which thinning solvent will not be added:
         1. certification of the as-applied VOC content of each batch of coating, and
         2. the volume of each coating applied.
      g. For coatings to which thinning solvent will be added-coating by coating compliance:
         1. the density and mass fraction of water and exempt compounds of each thinner and the volume fraction of solids in each batch, including any calculations,
         2. the maximum allowable thinning ratios, for each batch, including any calculations,
         3. if cold-weather thinning allowances are used, the dates and times during which the ambient temperature was below 4.5^{o}C (40^{o}F) at

the time the coating was applied and the volume used of each batch of the coating, as-supplied, during these dates,
4. the volume used of each batch of coating, as-supplied,
5. the total allowable volume of thinner for each coating, including calculations, and
6. the actual volume of thinner used for each coating.

h. For coatings to which the same thinning solvent will be added-group compliance:
1. the density and mass fraction of water and exempt compounds of each thinner and the volume fraction of solids in each batch, including any calculations,
2. the maximum allowable thinning ratios, for each batch of coating, including any calculations,
3. if cold-weather allowances are used, the dates and times during which the ambient temperature at the affected source was below 4.5^{o}C (40^{o}F) at the time the coating was applied and the volume used of each batch in the group, as-supplied, during these dates.
4. identification of each group of coatings and their designated thinners,
5. the volume used of each batch of coating in the group, as-supplied,
6. the total allowable volume of thinner for the group, including calculations, and
7. the actual volume of thinner used for the group.

i. If BIW detects a violation of the standards, for the remainder of the reporting period include the following information in the records:
1. a summary of the number and duration of deviations,
2. identification of the data availability achieved, including the number and total duration of incidents,
3. compliance status as of the last day of the reporting period and whether compliance was continuous or intermittent.

H. VOC emissions from all the painting operations shall not exceed 99.9 tons/yr based on a 12-month rolling total. [06-096 CMR 140, BPT]

(27) **Parts Washer**

Parts washers that use a solvent degreaser containing greater than 5% VOC are subject to the operational and record keeping requirements of MEDEP Chapter 130 which include, but are not limited to, the following:

A. BIW shall keep records of the amount of solvent added to each parts washer. [06-096 CMR 130]

B. BIW shall equip each cold cleaning degreaser unit with a cover that is easily operated with one hand if [06-096 CMR 130]:
1. the solvent vapor pressure is greater than 15 millimeters of mercury measured at 100 ^{o}F by ASTM D323-89; or,
2. the solvent is agitated; or,
3. the solvent is heated.

C. BIW shall attach a permanent conspicuous label to each cold cleaning degreaser unit summarizing the following operational standards [06-096 CMR 130]:
   1. Close the covers on all solvent degreasing tanks when the tanks are not in use;
   2. Drain the cleaned parts for at least fifteen (15) seconds or until dripping stops;
   3. If used, supply a solvent spray that is a solid fluid stream (not a fine, atomized or shower-type spray) at a pressure that does not exceed ten (10) pounds per square inch gauge pressure (psig);
   4. Do not degrease porous or absorbent materials, such as cloth, leather, wood or rope;
   5. Minimize drafts to less than 40 meters/minute; and
   6. Refrain from operating the cold cleaning degreaser upon the occurrence of any visible solvent leak until such leak is repaired.

D. BIW shall not use any halogenated solvents in the degreasing tanks. [06-096 CMR 140, BPT]

(28) **Blasting Operations**

A. The following conditions shall apply to the outdoor blasting operations conducted at BIW: **Enforceable by State-only**

   1. Outdoor blasting shall be prohibited when sustained wind speeds exceed 20 miles per hour at the point of the nozzle. [A-333-72-C-M (02/24/1995) BPT]

   2. Whenever feasible, BIW shall use control measures such as, but not limited to containment, metering valves (flow control) and/or alternative blast media to minimize emissions when conducting outdoor blasting. [A-333-72-C-M (02/24/1995) BPT]

   3. Prior to blasting, each surface coating with unknown constituents, as determined by the personnel performing the blasting, shall be tested for the presence of lead and mercury using a method approved by the Department such as the use of lead sticks to detect the presence of lead and paint chip sampling for mercury. [A-333-72-C-M (02/24/1995) BPT]

   4. Blasting areas shall be fully enclosed when blasting surface coatings that contain greater than 0.002% by weight mercury or more than 1.0% by weight of lead. Negative pressures shall be maintained inside these enclosures in order to prevent dust particles from escaping. [A-333-70-J-A (02/02/2007), BPT]

   5. Visible emissions from outdoor blasting shall not exceed 20% opacity based on a six (6) minute block average basis. [A-333-72-C-M (02/24/1995), BPT]

B. The following conditions shall apply to the Blast I, II and III buildings: [A-333-71-J-M (11/3/1999) BPT] **Enforceable by State-only**

1. BIW shall maintain and operate all three areas according to manufacturers specifications to minimize emissions.
2. BIW shall ensure that each unit and all associated duct work are maintained in good working order at all times.
3. Visible emissions from Blast I, II and/or III shall not exceed 10% opacity based on a six (6) minute block average basis.

(29) **Gasoline Dispensing Operations**

A. A fill pipe shall extend within 6 inches of the bottom of the gasoline storage tank. [A-333-70-A-I (5/25/2001), MEDEP, Chapter 118]

B. The licensee shall maintain records of the monthly throughput of gasoline. [A-333-70-A-I (5/25/2001), MEDEP, Chapter 118]

(30) **Monitoring and Recordkeeping Requirements**
[06-096 CMR 140, 117, and 122]

A. The following are identified as Periodic Monitors:
1. Monthly fuel delivery records for the boilers.
2. Fuel oil sulfur content (by weight) for #5 fuel oil fired in the boilers
3. Monthly fuel delivery records for the generators.
4. Fuel oil sulfur content (by weight and/or ppm) for the diesel fuel fired in the generators
5. Generator hours of operation.
6. Monthly records indicating the amount of solvent added to each parts cleaner.
7. Monthly records of gasoline throughput for the gasoline dispensing operations.

B. The records required for Condition (26)(G) shall be maintained for the painting operations. [40 CFR Part 63, Subpart II]

(31) **Quarterly Reporting**

The licensee shall submit a Quarterly Report to the Bureau of Air Quality within 30 days after the end of each calendar quarter, detailing the following, for the control equipment and parameter monitors, required by this license. [06-096 CMR 117]

A. All control equipment downtimes and malfunctions;

B. All excess events of emission and operational limitations set by this Order, Statute, state or federal regulations, as appropriate. The following information shall be reported for each excess event;

1. Standard exceeded;

2. Date, time, and duration of excess event;
3. Amount of air contaminant emitted in excess of the applicable emission standard expressed in the units of the standard;
4. A description of what caused the excess event;
5. The strategy employed to minimize the excess event; and
6. The strategy employed to prevent reoccurrence.

C. A report certifying there were no excess emissions, if that is the case.

(32) **Semiannual Reporting**

The licensee shall submit semiannual reports every six months to the Bureau of Air Quality. The semiannual reports are due on January 31st and July 31st of each year with the initial semiannual report due January 31, 2008. The facility's designated responsible official must sign this report.

The semiannual report shall be considered on-time if the postmark of the submittal is before the due date or if the report is received by the DEP within seven calendar days of the due date.

A. Each semiannual report shall include a summary of the periodic monitoring required by this license.

B. All instances of deviations from license requirements and the corrective action taken must be clearly identified and provided to the Department in summary form for each six-month interval.

[06-096 CMR 140]

(33) **Annual Compliance Certification**

BIW shall submit an annual compliance certification to the Department in accordance with Standard Condition (13) of this license. The annual compliance certification is due January 31 of each year with the initial annual certification due January 31, 2008. The facility's designated responsible official must sign this report.

The annual compliance certification shall be considered on-time if the postmark of the submittal is before the due date or if the report is received by the DEP within seven calendar days of the due date. Certification of compliance is to be based on the stack testing or monitoring data required by this license. Where the license does not require such data, or the license requires such data upon request of the Department and the Department has not requested the testing or monitoring, compliance may be certified based upon other reasonably available information such as the design of the equipment or applicable emission factors. [06-096 CMR 140]

(34) **Annual Emission Statement**

In accordance with 06-096 CMR 137, the licensee shall annually report to the Department the information necessary to accurately update the State's emission inventory by means of:

A. A computer program and accompanying instructions supplied by the Department;

or

B. A written emission statement containing the information required in 06-096 CMR 137.

Reports and questions should be directed to:

Attn: Criteria Emission Inventory Coordinator
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

Phone: (207) 287-2437

The emission statement must be submitted no later than July 1 or as otherwise specified in 06-096 CMR 137.

[06-096 CMR 137]

(35) **Air Toxics Emissions Statement**

If BIW exceeds the thresholds for HAPs listed in Appendix A of 06-096 CMR 137 in an inventory year (2005, 2008, 2011, etc.), in accordance with 06-096 CMR 137 the licensee shall report, no later than July 1 every three years (2006, 2009, 2012, etc.) or as otherwise stated in 06-096 CMR 137, the information necessary to accurately update the State's toxic air pollutants emission inventory by means of a computer program supplied by the Department or a written emission statement containing the information required in 06-096 CMR 140.

Reports and questions should be directed to:

Attn: HAP Inventory Coordinator
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

Phone: (207) 287-2437

[06-096 CMR 137]

(36) **General Applicable State Regulations**

The licensee is subject to the State regulations listed below.

Origin and Authority	Requirement Summary	Enforceability
06-096 CMR 102	Open Burning	-
06-096 CMR 109	Emergency Episode Regulation	-
06-096 CMR 110	Ambient Air Quality Standard	-
06-096 CMR 116	Prohibited Dispersion Techniques	-
38 M.R.S.A. §585-B, sub-§5	Mercury Emission Limit	Enforceable by State-only

(37) **Units Containing Ozone Depleting Substances**

When repairing or disposing of units containing ozone depleting substances, the licensee shall comply with the standards for recycling and emission reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioning units in Subpart B. An example of such units include refrigerators and any size air conditioner that contain CFCs.

[40 CFR, Part 82, Subpart F]

(38) **Asbestos Abatement**

When undertaking Asbestos abatement activities, BIW shall comply with the Standard for Asbestos Demolition and Renovation 40 CFR Part 61, Subpart M.

(39) **Expiration of a Part 70 license**

A. BIW shall submit a complete Part 70 renewal application at least 6 months prior, but no more than 18-months prior, to the expiration of this air license.

B. Pursuant to Title 5 MRSA §10002, and 06-096 CMR 140, the Part 70 license shall not expire and all terms and conditions shall remain in effect until the Department takes final action on the renewal application of the Part 70 license. An existing source submitting a complete renewal application under 06-096 CMR 140 prior to the expiration of the Part 70 license will not be in violation of operating without a Part 70 license.

(40) **New Source Review**

BIW is subject to all previous New Source Review (NSR) requirements summarized in this Part 70 Air Emission License and remain in effect even if this Part 70 Air Emission License, A-333-70-I-R, expires.

(41) **Annual Fee**

BIW shall pay the annual air emission license fee within 30 days of **December 30th** of each year. Pursuant to 38 MRSA §353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for revocation of the license under 38 MRSA §341-D, subsection 3. [38 MRSA §353-A]

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
DAVID P. LITTELL, COMMISSIONER

The term of this license shall be five (5) years from the signature date above.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: November 28, 2005
Date of application acceptance: December 14, 2005

Date filed with the Board of Environmental Protection: _____

This Order prepared by Mark Roberts, Bureau of Air Quality.